Google Inc. et al v. Egger et al Doc. 340

DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

July 31, 2007

The Honorable Arlen Specter
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Senator Specter:

I write in response to your request at our meeting of yesterday.

Shortly after 9/11, the President authorized the National Security Agency to undertake various intelligence activities designed to protect the United States from further terrorist attack. A number of these intelligence activities were authorized in one order, which was reauthorized by the President approximately every 45 days, with certain modifications. The details of the activities changed in certain respects over time and I understand from the Department of Justice these activities rested on different legal bases.

One particular aspect of these activities, and nothing more, was publicly acknowledged by the President and described in December 2005, following an unauthorized disclosure. The particular aspect of these activities that the President publicly described was limited to the targeting for interception without a court order of international communications of al Qaeda and affiliated terrorist organizations coming into or going out of the United States. I understand that in early 2006, as part of the public debate that followed the President's acknowledgment, the Administration first used the term "Terrorist Surveillance Program" to refer specifically to that particular activity the President had publicly described in December 2005. This is the only aspect of the NSA activities that can be discussed publicly because it is the only aspect of those various activities whose existence has been officially acknowledged. (It remains the case that the operational details even of the activity acknowledged and described by the President have not been made public and cannot be disclosed without harming national security.) I understand that the phrase "Terrorist Surveillance Program" was not used prior to 2006 to refer to the activities authorized by the President.

I hope that this information is helpful to you.

Sincerely,

J.M. McConnell

J.M. McConnell

cc: The Honorable Patrick J. Leahy

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